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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,375	12/12/2003	Masakatsu Endo	NGBCP005	9762
25920 7590 03/04/2009 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
KASSA, HILINA S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,375

Applicant(s)

ENDO ET AL.

Examiner

HILINA S. KASSA

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment submitted on 12/04/2008 has been acknowledged. Claims 24 and 26-30 are pending.

Response to Arguments

2. Applicant's arguments filed 12/04/2008 have been fully considered but they are not persuasive.

(1) argument 1:

On page 2 of Applicant's argument, it is stated that Ogiwara is silent as to "the interruption of a printing operation and the resuming of the printing operation from the interrupted state."

With respect to Applicant's argument, Ogiwara in **figure 21 and column 14, lines 23-26, discloses if any error occurs during the printing process, the printer sends print disable message to the digital camera which is considered as** (the interruption of a printing operation) and **column 14, lines 27-34 discloses wherein the print enable status is transmitted to the printer in order to restart print processing** (the resuming of the printing operation from the interrupted state). Thus, the sated argument is not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogiwara et al. (US Patent Number 7,161,701 B2) in view of Smart et al. (US Publication Number 2003/0208691 A1).

(1) regarding claim 24:

As shown in figure 5, Ogiwara et al. disclose an image processing method performed by an image supply device storing image data (**column 6, lines 3-33; note that the digital camera can output via the connector image data saved in an internal memory**) and an image output device operable to perform a print operation in which an object corresponding to the image data is printed(**column 6, lines 36-39; note that by connecting the digital camera with the printer, Image data gets printed**), which are connected via a communication path through which the image data is communicated (**5000, figure 5; column 29-32; note that the cable 5000 connects the printer and the digital camera**), the method comprising:

transmitting, from the image output device to the image supply device (**column 7, lines 9-12; note that information about the printer gets received by the camera**), a first information item specifying an object allocated at a predetermined position in a

page layout (**column 9, line 66-column 10, line 8; note that the image layout and index printing gets set before the image is transferred to the printer**);

storing the first information item in the image supply device (**column 10, lines 9-13; note that the camera issues instruction to start printing and transfers the image file to the printer**);

generating, at the image supply device based on the stored first information item when the print operation is interrupted (**column 13, lines 63-67; note that the halt or stop printing instruction is designated by the camera**), a second control information item including a first script configured to resume an interrupted print operation (**column 14, lines 27-30; note that when printing is interrupted due to an error, restart of printing command is sent to the printer i.e. considered a first script**), and a second script specifying an object to be first printed by the image output device when the interrupted print operation is resumed (**column 14, lines 34-37; note that the digital camera sends back the image data to be printed to the printing device i.e. considered as a second script specifying the object/image data to be printed**),

transmitting the second information item from the image supply device to the image output device (**column 14, lines 30-32; note that the digital camera transmits print enable/start signal to the printing device**); and

resuming the interrupted print operation based on the second information item (**column 14, lines 35-36; note that the printing process is restarted/resumed**).

Ogiwara et al. disclose all of the subject matter as described as above except for wherein at least a part of the first information item and at least a part of the second information item are described by a markup language.

However, Smart et al. disclose wherein at least a part of the first information item and at least a part of the second information item are described by a markup language **(paragraph [0080], lines 7-17; note that the information exchange between the two devices is described by HTTP/XML language).**

Ogiwara et al. and Smart et al. are combinable because they are from the same field of endeavor i.e. static presentation of data for printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art wherein at least a part of the first information item and at least a part of the second information item are described by a markup language. The suggestion/motivation for doing so would have been to facilitate the sharing of structured data across different systems. Therefore, it would have been obvious to combine Ogiwara et al. with Smart et al. to obtain the invention as specified in claim 24.

(2) regarding claim 26:

Ogiwara et al. further disclose the image processing method as set forth in claim 24, wherein the first information item is transmitted only in a case where the print operation is interrupted **(column 14, lines 30-36; note that the restart of printing is utilized after the printer has been stopped or halted).**

(3) regarding claim 27:

Ogiwara et al. further disclose the image processing method as set forth in claim 24, wherein the first information item is transmitted every time a page break occurs during the print operation (**column 13, lines 63-66; note that the restart command is utilized when there is a stop of printing i.e. also considered as the page break**).

(4) regarding claim 28:

Ogiwara et al. further disclose the image processing method as set forth in claim 24, wherein the first information item includes at least one of a path information item indicating where image data corresponding to the object is stored in the image supply device (**column 6, lines 32-33; note that the image files are stored in the camera**) and a number information item indicating how many times the object is to be supplied to the image output device repetitively (**column 9, lines 45-59; note that the images get incremented to be supplied to the printer**).

(5) regarding claim 29:

Ogiwara et al. further disclose the image processing method as set forth in claim 28, wherein the number information item is corrected so as to indicate a remained number of the repetitive supply of the image data (**column 9, line 66-column 10, line 8; note that the number of pages to be printed gets displayed and it is checked to see the number of images to be printed is correct with the number of printed**

images), in a case where a page break occurs during the supply of the image data (**column 14, lines 26-30**).

(6) regarding claim 30:

Ogiwara et al. further disclose the image processing method as set forth in claim 24, further comprising:

detecting, at the image output device, that the print operation is interrupted (**column 14, lines 22-23; note that in case of an error the printer aborts to print**);

transmitting, as the first information item, a third script indicating that the print operation is interrupted (**column 14, lines 23-25; note that a message is transmitted to the camera about the printer**);

detecting, at the image output device, that the interrupted print operation is resumed (**column 14, lines 27-30; note that after the printer stops to print, user restarts to print back again**); and

transmitting, as the first information item, a fourth script indicating that the interrupted print operation is resumed (**column 14, lines 31-36**).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Hilina Kassa whose telephone number is (571) 270-1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore could be reached at (571) 272- 7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pari-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hilina S Kassa/

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Examiner, Art Unit 2625

February 24, 2009

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625